

Understanding the Overlay Zoning District Tool



Bryan Hall
Circuit Rider Planner, Sussex County
Office of State Planning and Coordination
122 William Penn Street
Dover, DE 19901
(302) 739-3090
Bryan.hall@state.de.us



Today's Discussion

Overview

- Clarify Key Terms
- Discuss the Pros and Cons
- Provide Examples
- Discuss how this may be used in our community.



Clarify Key Terms

Some common terms should be defined for our discussion today...

- Community
- Built Environment
- Redevelopment
- Mixed Use Development
- Overlay Zoning District

Community



Community – An area consisting of residential, institutional, and commercial uses sharing a common identity. (*Renton, Wash.*)

Built Environment

- **Built Environment** -
The elements of the environment . . . that are generally built or made by people as contrasted with natural processes.
(Renton, Wash.)



Redevelopment



Redevelopment —

- Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility. (*Wheeling, Ill.*)
- Any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development. (*Concord, N.C.*)

Mixed Use Development

Mixed-Use Development -

- The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. (*Lake Elsinore, Calif.*)
- A project which integrates a variety of land uses including residential, office, commercial, service, and employment and can result in measurable reductions in traffic impacts. (*San Juan Capistrano, Calif.*)



Mixed Use Development



- A proposed development that includes primary non-residential and primary residential uses on the same development site. (*Concord, N.C.*)
- A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment. (*Schaumburg, Ill.*)

Overlay Zoning District

Overlay Zoning District -

- An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered. (*Milwaukee, Wisc.*)
- A special district or zone which addresses special land use circumstances or environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district. (*Merrimack, N.H.*)



Overlay Zoning District



- A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as historic preservation, wellhead protection, floodplain or unit development while maintaining the character and purposes of the general use district area over which it is superimposed. (*Lancaster, Ohio*)
- Provides for the possibility of superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply. (*Racine County, Wisc.*)
- A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district. (*Blacksburg, Va.*)
- Zoning districts that extend on top of more than one base zoning district and are intended to protect certain critical features and resources. Where the standards of the overlay and base zoning district are different, the more restrictive standards shall apply. (*Hilton Head, S.C.*)

Overlay Zoning District



How is this planning tool is used?

- As the various definitions imply; this tool may be used to preserve natural and historical resources, provide restrictions, lessen certain requirements and rebuild a community.

Overlay Zoning District

The Pro's

- Flexible Zoning Tool
- Preserves Natural and Historical Features
- Promotes and allows for redevelopment
- Provides for mixed housing and commercial uses



Overlay Zoning District



The Con's

- Too restrictive or not restrictive enough
- Conflicts with other zoning codes
- Loss of community
- Cost of development and implementation

Overlay Zoning District



So, why use them at all?

- The positives can and often do outweigh the negatives.
- They provide flexibility to promote economic development and community enhancement.
- It requires a **BALANCE!**

Overlay Zoning District Example

Rehoboth officials get ball rolling on mixed-use zoning

By Ryan Mavity
ryanm@capegazette.com

A new mixed-use zoning category may be coming to Rehoboth Beach, as city officials have begun preliminary discussion of a new commercial/residential zoning.

The issue of mixed-use zoning is contained in the 2004 comprehensive development plan, but it was never defined. When the Oak Grove Motor Court and the surrounding land were rezoned residential, opponents said the rezoning offered the perfect opportunity to explore mixed use.

And while it is too late for Oak Grove, city officials are now starting the process of defining mixed-use zoning.

Commissioners Pat Coluzzi, Kathy McGuinness and Lorraine Zellers have been at the forefront of the mixed-use zoning discussion. Coluzzi said it was time for the issue to be looked at because

mixed-use zoning is likely to be in the 2009 update of the comprehensive plan.

Coluzzi said the commissioners are gathering information about other municipalities with mixed-use zoning. The city's planning commission has also begun discussion of a mixed-use zoning category.

Coluzzi said her idea was for two types of mixed-use zoning, M-1 and M-2. M-1 would cover mixed commercial and residential entities within a structure, while M-2 would be mixed use within an area. Coluzzi said she did not have any specific areas within the city in mind for mixed-use zoning, at least not until the language is fleshed out, although she said the parcel where Gold's Gym is located, known as the Bay Mart property, would be one idea.

Commissioner Paul Kuhns said the city missed an opportunity to examine mixed-use zoning for Oak Grove but now is the time to think about defining exactly what mixed-use zoning is.

Kuhns said Rehoboth and Wilmington avenues were two places where there is an opportunity for mixed-use zoning with commercial properties, as well as potential for residential apartments or rooms upstairs from the businesses.

Kuhns said upstairs apartments would be perfect for student or worker housing because they would no longer have to ride bikes on Route 1 or drive to get to work.

Still, Kuhns said, the city needs to further define mixed-use zoning and where in the city it can be done.

Commissioner Stan Mills said the term mixed use is misleading and that the city needed to look at all its existing codes. He said his idea of mixed-use zoning was a predominately residential area with select commercial entities, such as a small office or diner.

Mayor Sam Cooper said he did not know where the discussion would lead, but questions whether the city needs

mixed-use at all. The city's C-1 commercial zoning already allows for residential uses, as well as almost all commercial uses.

Cooper said he didn't know if mixed use would be "commercial lite," basically C-1 zoning but with some uses, like a billiard hall, removed.

Cooper said he sees mixed-use zoning where there are large residential areas or places that have sidewalks and wide streets. He said this is why he didn't think Oak Grove was a good candidate for mixed-use zoning, since there are no sidewalks.

Cooper said Oak Grove was also a special case because the area had already defined itself as being heavily residential. Finally, he said the nature of Rehoboth itself doesn't lend itself to mixed-use zoning because of its seasonal nature.

"Rehoboth is a different creature," Cooper said.

Overlay Zoning District Example



- Lewes for Historical Preservation
- Slaughter Beach for Environmental Protection
- Dagsboro and Ellendale for defining a Town Center
- Georgetown and Sussex County for Economic Development

Overlay Zoning District



How might this
tool be used
in Fenwick
Island?



town of fenwick island

comprehensive plan november 2007



november 2007
bluegreen
200 south apting street | suite 202 | aspen, colorado 81611 | t 970 428 3499 | f 970 429 9466
www.bluegreenaspen.com

Overlay District

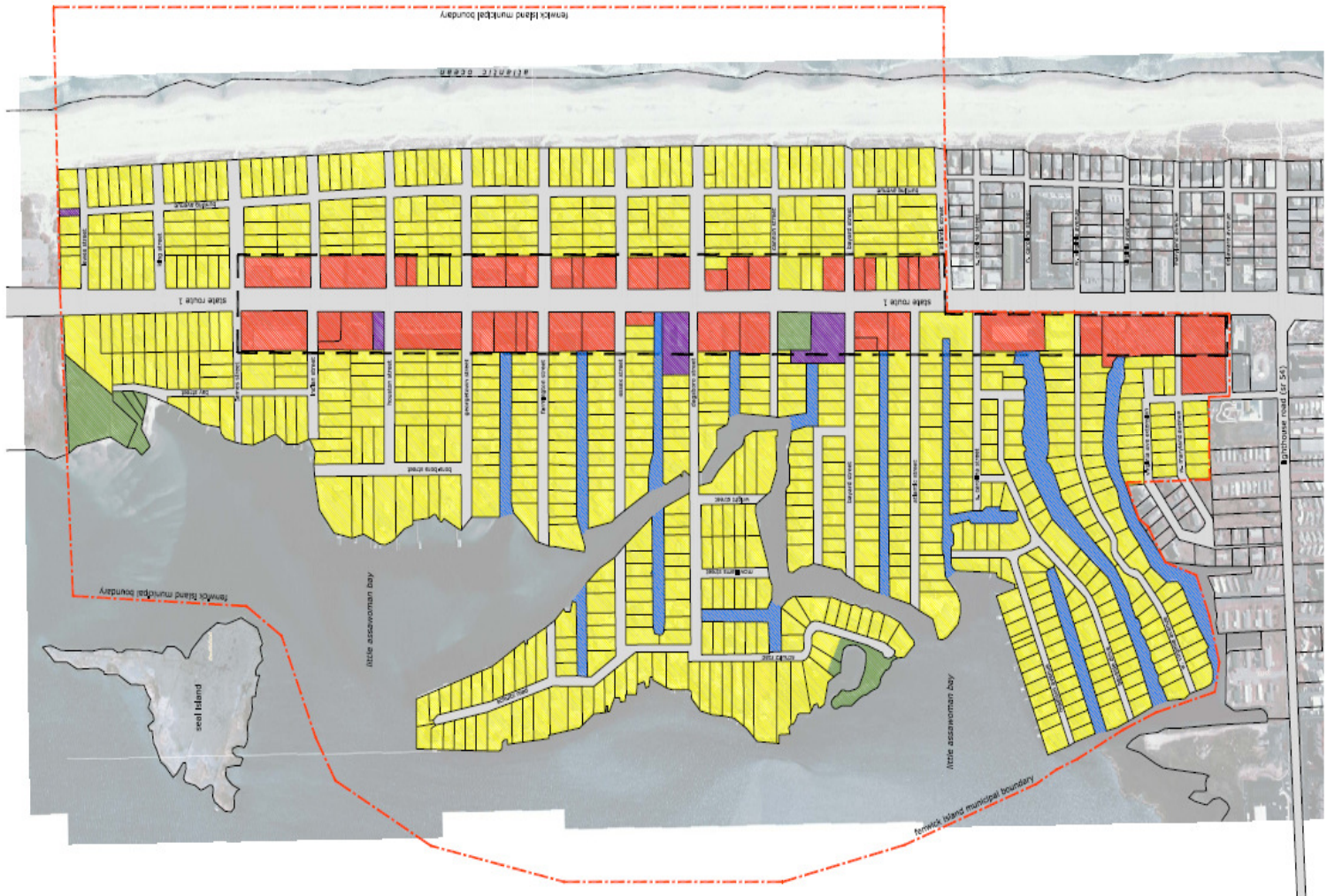
The proposed overlay district brings together a group of planning tools to achieve many of the desired goals articulated through the comprehensive planning process. Use of the overlay district allows the Town greater flexibility in promoting alternative development designs as commercial properties develop and redevelop over time. Currently, many Town code provisions serve as barriers to achieving the desired family-oriented, small town and quiet resort character along SR 1.

Use of the overlay district offers a number of important benefits for the community, for residents, for property owners, for visitors and for business owners. Success of the overlay district depends on close cooperation between the Town and the property owners. It requires a champion to initiate the overlay district, fight to ensure it is done right and is followed through to completion. The best champions are multi-headed, representing both public and private interests. Combining the State's, County's and Town's planning, coordination, infrastructure and public financing capabilities with the private sector's entrepreneurial savvy, retailing know-how, development expertise and private capital creates the environment necessary for the community to realize its articulated goals.

Overlay districts are used successfully in other resorts and small towns to achieve goals similar to those articulated in this plan. Success is measured in tangibles such as increases in retail and restaurant sales. Business owner and/or tenant investments are evidenced in higher valuations for remodel building permits. A key success measurement is that property redevelopments and private sector reinvestments surpass public investments. Improvements in parking and local traffic conditions are determined through parking and traffic studies. Intangible evidence of success includes a more attractive and comfortable environment and places where people can meet and spend time.



This portion of the Commercial Subarea Plan illustrates several potential improvements to SR 1 and adjacent properties.



LEGEND

- residential
- institutional
- commercial
- parks and recreation
- open space waterways
- municipal boundary
- Fenwick Island municipal boundary
- overlay district

NOTES:

1. Land use — Office of State Planning and Development (2002) and 2002
2. Topography — Office of State Planning and Development (2002)
3. Roads — Sussex County Planning and Assessment Department (2002)
4. Municipal Boundary — Office of State Planning and Development (2002)

Map is for informational purposes only. Map is not responsible for the accuracy of the data presented.



October 2007
 300 main street, room 100, Fenwick Island, Delaware 19702-4246
 302 main street, room 100, Fenwick Island, Delaware 19702-4246





LEGEND

- residential
- institutional
- commercial
- park
- parking/streets
- wetland/habitat edge
- street tree
- native vegetation
- swale/planted area



305 south main street
 fenwick island, ms 39110
 1-800-451-4511
 www.fenwickisland.com

NOTES:

1. This drawing is conceptual in nature and intended for discussion purposes only.

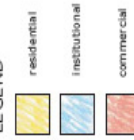
major planning influence

fenwick island comprehensive plan

town of fenwick island 1 delaware



LEGEND



NOTES:

1. This drawing is conceptual in nature and intended for discussion purposes only.

commercial corridor enlargement a

fenwick island comprehensive plan
town of fenwick island | december 2007

map 11



0 100 200
feet

300 north spring street | suite 202 | fayette, georgia 30433 | 404.393.4444 | www.fenwickislandga.com

www.fenwickislandga.com



closed curb cuts
with access
maintained

new and synchronized
traffic signal

travelway
maintained

municipal
boundary

sidewalk
improvements

expanded
town park

expanded sidewalk
area

new and en-
hanced
pedestrian cross-
walks

landscaped
"raingarden"



LEGEND

- residential
- institutional
- commercial
- park
- existing building
- wetland/
habitat edge
- street tree
- native vegetation
- swale/planted area



scale
0 50 100 200

drawn by: 1/20/17
Shingora

www.shingoragroup.com
300 south spring street | suite 202 | ager, oregon 97103-4279 | 503-427-9499

NOTES:

1. This drawing is conceptual in nature and intended for discussion purposes only.

commercial corridor enlargement b

fenwick island comprehensive plan
town of fenwick island | december 1 | 2016

Summary

- Overlay Zoning Districts are a flexible.
- These are often use to define community.
- These promote mixed use development and allow for mixed land use types to occur in concert.
- Requires a balance of issues and educational outreach to the community.

Questions

